

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE BEXTRA AND CELEBREX
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

] Master Docket No. M:05-CV-01699-CRB

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] MDL No. 1699

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THIS RELATES TO:

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MDL Case No. C-06-2946-CRB

] Plaintiffs: Stacy L. Ray, Special Administratrix of

Ellen Marie Baker, etc., et al.,

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Plaintiffs,

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VS.

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Pfizer, Inc., et al.,

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Defendants.

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the Estate of Arlyn Ray, Deceased; Stacy L. Ray,
Individually as Heir at law; Larry R. Miracle,
Individually and as Heir at Law on behalf of
Marian Miracle, Deceased; Sarah B. Brown;
John Buser; Carlos Cox; Helen McClish; Joy
Monigold; Lilliam B. Pearson; Ralph E. White;
and Doretta Williams

(Names)

STIPULATION AND ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the following specific Plaintiffs

Stacy L. Ray, Special Administratrix of the Estate of Arlyn Ray, Deceased, and Stacy L. Ray,

Individually as Heir at Law; Larry R. Miracle, Individually and as Heir at Law on behalf of Marian

Miracle, Deceased; Sarah B. Brown; John Buser; Carlos Cox; Helen McClish; Joy Monigold; Lillian B.

Pearson; Ralph E. White; and Doretta Willlliams ("Plaintiffs") and Defendants Pfizer, Inc., Pharmacia

Corporation and G.D. Searle, L.L.C. ("Pfizer"), pursuant to Fed. R. Civ. P. 41(a)(1), to a dismissal

without prejudice of the following Plaintiffs' claims which was filed in a consolidated, multi-plaintiff

Complaint] against Defendants:

1. Stacy L. Ray, Special Administratrix of the Estate of Arlyn Ray, Deceased, and Stacy L. Ray, Individually as Heir at Law;
2. Larry R. Miracle, Individually and as Heir at Law on behalf of Marian Miracle, Deceased;
3. Sarah B. Brown;

4. John Buser;
5. Carlos Cox;
6. Helen McClish;
7. Joy Monigold;
8. Lillian B. Pearson;
9. Ralph E. White;
10. Doretta Williams.

This Stipulation and Order, however, is a partial dismissal in that it does not affect any claims, counterclaims and issues by and between Defendants and the following remaining Plaintiffs:

1. Ellen Marie Baker, Special Administratrix of the Estate of Ralph R. Baker, Deceased;
and Ellen Marie Baker, Individually as Heir at Law;
2. DeWayne O'Neal;
3. Ruby Van Gieson.

Specifically, the parties hereby stipulate and agree as follows:

1. Stacy L. Ray, Special Administratrix of the Estate of Arlyn Ray, Deceased, and Stacy L. Ray, Individually as Heir at Law; Larry R. Miracle, Individually and as Heir at Law on behalf of Marian Miracle, Deceased; Sarah B. Brown; John Buser; Carlos Cox; Helen McClish; Joy Monigold; Lillian B. Pearson; Ralph E. White; and Doretta Williams dismiss their individual causes of action [which were filed within the above multiparty, consolidated Plaintiffs Complaint] without prejudice pursuant to Fed R. Civ. P. 41(a)(1)(ii).
2. This dismissal is voluntary and not on the merits. Plaintiffs certify that no other causes of action based on these claims have been previously dismissed in any Federal or State court.
3. Plaintiffs agree that, in the event they refile a lawsuit against Pfizer that contains claims relating to Bextra® and Celebrex®, such lawsuits will be filed in a United States District Court and it will not include defendants whose presence would destroy diversity jurisdiction;

4. Plaintiffs further agree that in the event they re-file such lawsuits, any discovery that has taken place or will take place *In Re Bextra and Celebrex Marketing, Sales Practices, and Products Liability Litigation* (MDL-1699), the MDL proceeding that has been established in the United States District Court for the Northern District of California, and that is not specific to a particular plaintiff, can be used in any such lawsuit re-filed by Plaintiffs, as though Plaintiffs had been parties and had an opportunity to participate in that discovery.

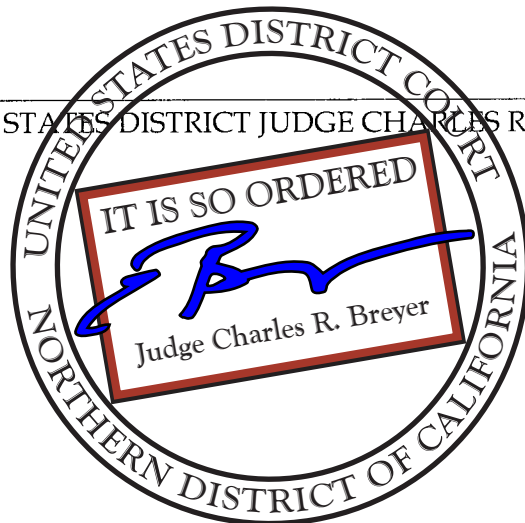
5. Each party will bear their own fees, expenses and costs.

Plaintiffs and Defendants agree to the above-stated conditions and the specific Plaintiffs wish to dismiss their claims in the instant lawsuit without prejudice to re-filing, subject to the conditions stated above. There are no counterclaims or third-party claims. Nothing in this stipulation shall constitute a waiver of any rights and defenses defendants may have in any litigation.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiffs Stacy L. Ray, Special Administratrix of the Estate of Arlyn Ray, Deceased, and Stacy L. Ray, Individually as Heir at Law; Larry R. Miracle, Individually and as Heir at Law on behalf of Marian Miracle, Deceased; Sarah B. Brown; John Buser; Carlos Cox; Helen McClish; Joy Monigold; Lillian B. Pearson; Ralph E. White; and Doretta Williams in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated above.

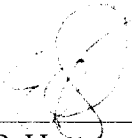
SAN FRANCISCO, CALIFORNIA, this 30 day of November, 2006.

UNITED STATES DISTRICT JUDGE CHARLES R.
BREYER



Respectfully Submitted by:

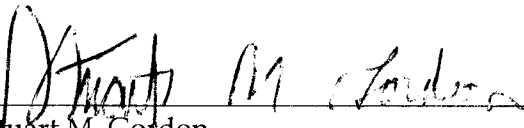
Dated: Nov 27, 2006



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Marian Miracle, Deceased; Sarah B. Brown; John Buser;
Carlos Cox; Helen McClish; Joy Monigold; Lillian B.
Pearson; Ralph E. White; and Doretta Williams

Dated: 11-29, 2006



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